

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JUN 02 2006

JOHN F. CONCORAN, CLERK  
BY:   
DEPUTY CLERK

NORFOLK SOUTHERN RAILWAY  
COMPANY,

Plaintiff,

v.

BROTHERHOOD OF RAILROAD  
SIGNALMEN,

Defendant.

Civil Action No. 7:05CV368

ORDER

By: James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion entered this day, it is  
**ADJUDGED** and **ORDERED** that defendant's motion to dismiss pursuant to Federal Rule Civil  
Procedure 12(b)(1) and (6) will be **GRANTED**, unless plaintiff files an amended complaint within  
ten (10) days from the entry of this order. It is further ordered that plaintiff's motion to compel  
discovery be **DENIED**.

The Clerk is directed to send certified copies of the accompanying memorandum opinion  
and this order to counsel for the parties of record.

ENTER: This 2<sup>nd</sup> day of June, 2006.

  
SENIOR UNITED STATES DISTRICT JUDGE